

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:08-CV-00464-H**

NATIONAL GENETICS INSTITUTE,)
and BAXTER INTERNATIONAL,)
INC.,)

Plaintiffs,)

vs.)

TALECRIS BIOTHERAPEUTICS,)
INC.)

Defendant.)

STIPULATION AND ORDER STAYING CASE PENDING REEXAMINATION

Plaintiff National Genetics Institute (“NGI”), Plaintiff Baxter International, Inc. (“Baxter”) (NGI and Baxter collectively referred to herein as “Plaintiffs”) and Defendant Talecris Biotherapeutics, Inc. (“Talecris”) (NGI, Baxter, and Talecris collectively referred to herein as “Parties”), through counsel, jointly stipulate and move the Court to stay this lawsuit pursuant to the following terms agreed to by the Parties:

1. On December 4, 2008, Talecris filed a Motion to Stay Case Pending Reexaminations in this Court (“Defendant’s Motion to Stay”) in which Talecris requested that the Court stay the above-captioned case pending the reexaminations of U.S. Patent Nos. 5,780,222, 6,063,563 and 6,566,052 (“the patents-in-suit”). *See* D.E. 17.

2. The Parties stipulate and agree that, in the interest of compromise in the Parties’ dispute regarding Talecris’s pending motion to stay this case, and in the interest of economy to the Court as well as the parties that would flow from such compromise, Plaintiffs

consent to Talecris's requested stay and Talecris agrees that it will not raise this agreed-to consent of Plaintiffs to the Court or jury in this case, but will treat the consent as though the Plaintiffs opposed Defendant's Motion to Stay but did not prevail in their opposition to the motion.

Respectfully submitted this 28th day of January, 2009.

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*Attorneys for Defendant Talecris Biotherapeutics,
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SO ORDERED,

This ____ day of _____ 2009.

DAVID W. DANIEL
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2009, I electronically filed the foregoing **STIPULATION AND ORDER STAYING CASE PENDING REEXAMINATION** with the Clerk of the Court using the CM/ECF system and that counsel of record who are deemed to have consented to electronic service were served with a copy of this document.

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